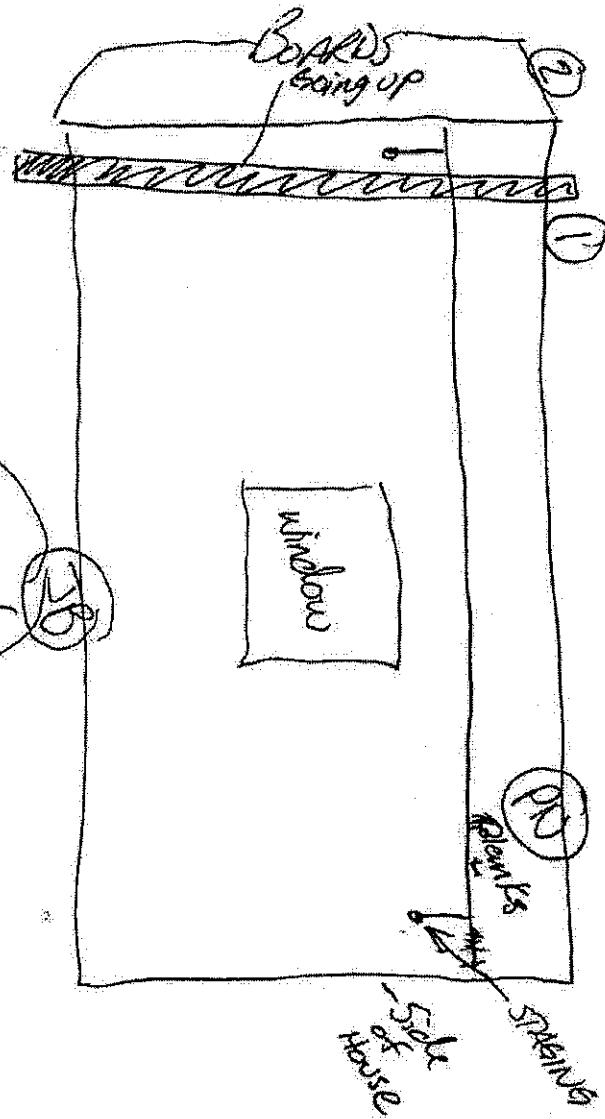
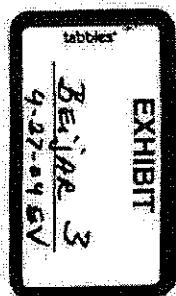


# **EXHIBIT 15**



4/27/04

COMING  
BOARDs

VOICE

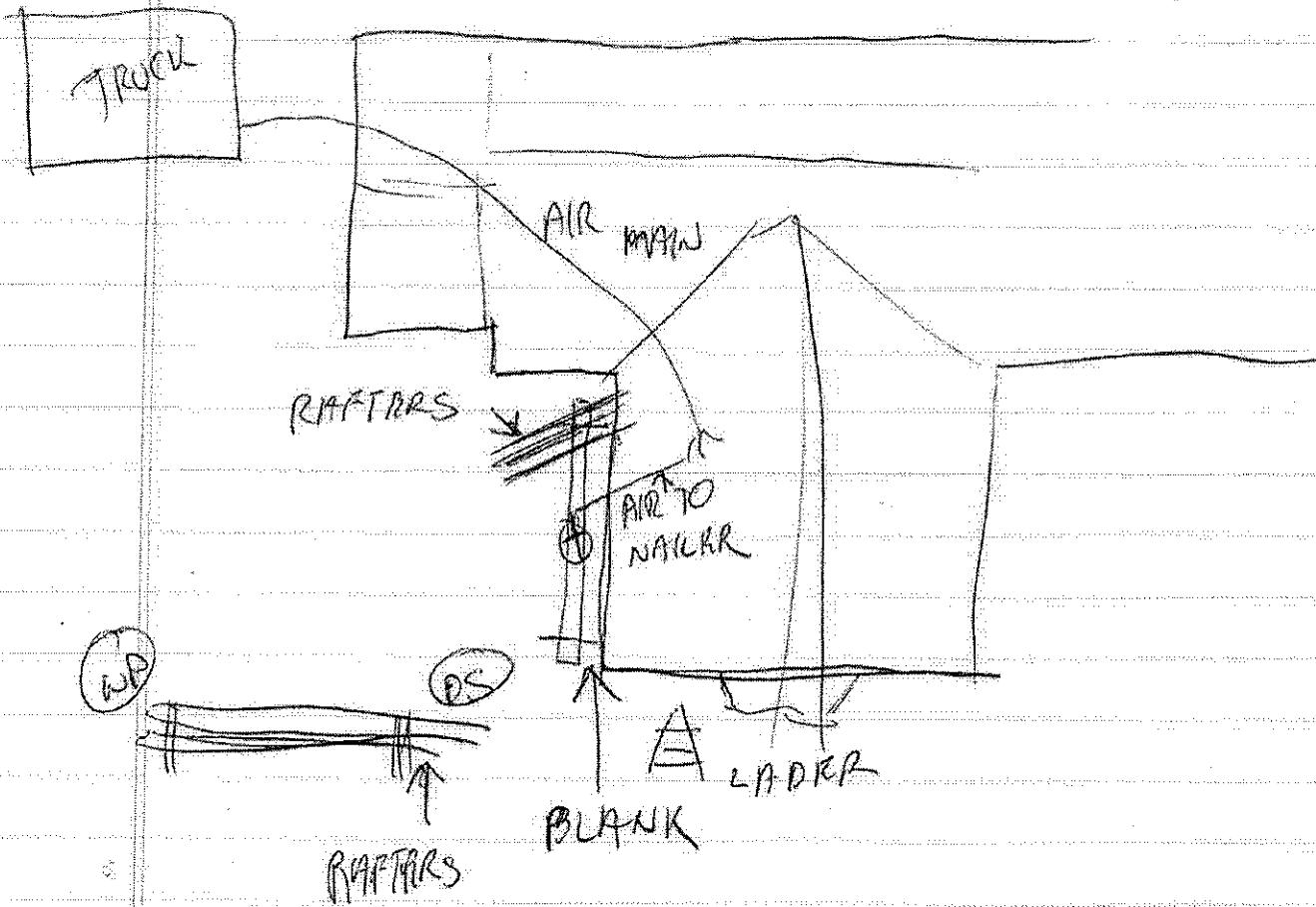
# **EXHIBIT 16**

EXHIBIT

Panel 3  
5-17-04

Wet Pan

5-17-04





EXHIBIT

1

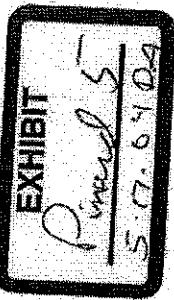
Sept 10 1955

Ward 1

卷之三

三

Wayne Way 5-17-04



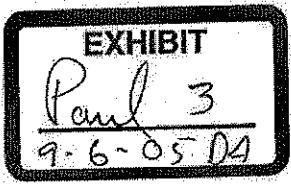
Posit 1002

4612

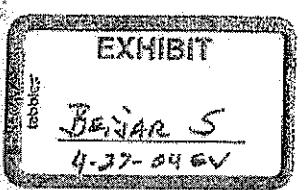
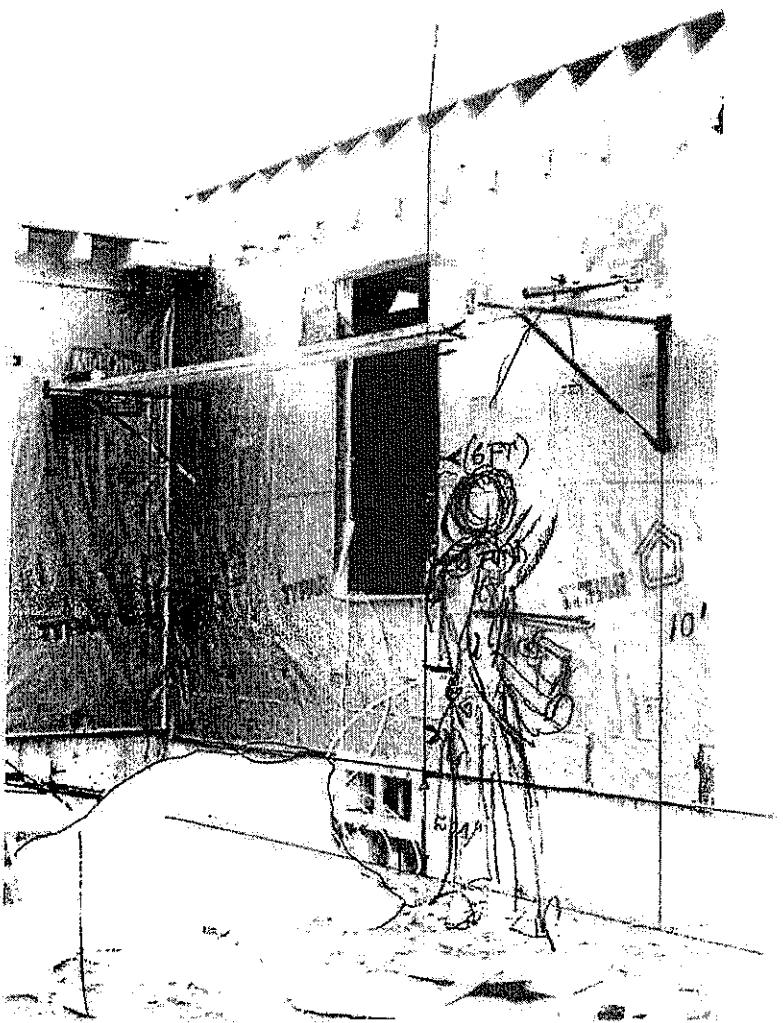
water

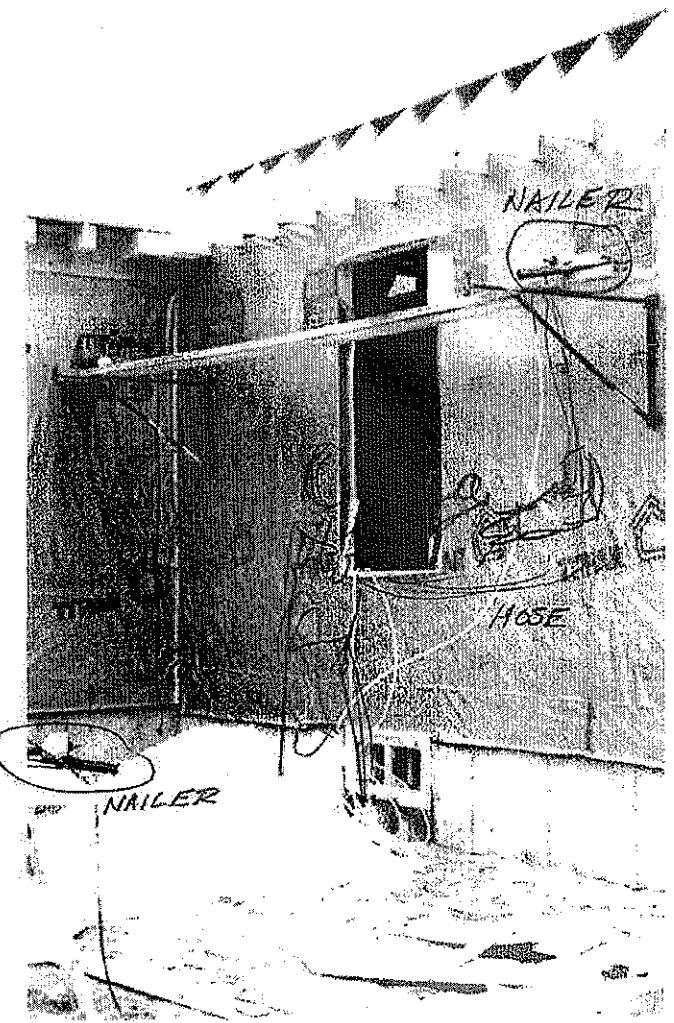
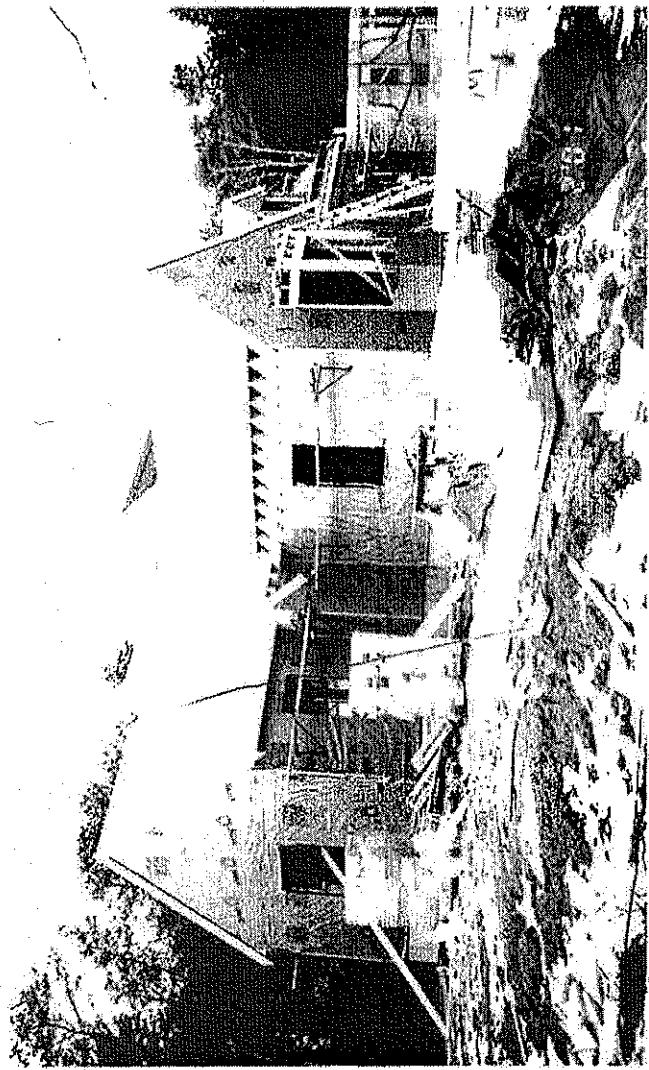
water 1 window

# **EXHIBIT 17**



PHOTOS BY MANUEL ERIC





SIDE PHOTO

NEXT DAY? YES  
2/2/01

MOST LIKELY SCENARIO!

TOOL SWINGS DOWN ON HOSE  
HE GRABS HOSE ABOVE COMM.  
TOOL KEEPS TOWARDS CHEST  
FOR ARM/ELBOW HIT TRIGGER  
BUT CANNOT PREVENT CHEST  
IMPACT

# **EXHIBIT 18**

# STANLEY FASTENING SYSTEMS ENGINEERING LABORATORY

Test Lab No.: 08815-00

Date: 04/22/2004

Created By: Mathew Ponko

## Test Procedure, Instructions, and Work Request Form

*(Do Not Give Verbal Instructions)*

Due Date:		Items on Test:	Stick Nailer
Engineer:	Matthew Ponko	Product:	N79WW-1
Technician:	W. Begnoche	Type of Test:	General Testing

Title:

Forensic Evaluation of N79WW-1 0356 047

### Background and Objective:

Examine and evaluate N79 WW, tool allegedly involved in an accident with injury to Jonathan Bejar

Test Description and Procedure: [Description of Test Components, Initial Conditions, (Pressure, Cycle, Fastener, etc.), Procedure or SOP, Parameters to be Recorded]

Examine and evaluate the tool SOP#1065. Matt Ponko to be present during functional check,

Priority:		Status:	Engineer signature complete
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CC:

**STANLEY FASTENING SYSTEMS  
ENGINEERING LABORATORY**

Test Lab No.: 08815-00

Date: 04/22/2004

***Test Summary***

**Background and Objective:**

Examine and evaluate N79 WW, tool allegedly involved in an accident with injury to Jonathan Beijar

**Equipment:**

- 1 ). Compressed Air Supply 0-120P.S.I.G.
- 2 ). Air Impulse Test Fixture TF# 006.
- 3 ). Instron model 5569 Test Machine.
- 4 ). S.O.P. # 1018 Air Impulse - Plug In Actuation Test Procedure.
- 5 ). S.O.P. # 1044 Pneumatic Tool - Contact Trip Test Procedure.
- 6 ). S.O.P. # 1065 Forensic Evaluations Test Procedures

**Safety Concerns:**

**USE GENERAL ENGINEERING TEST LAB SAFETY PRACTICES**

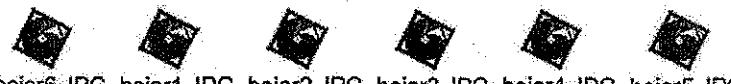
**Conclusion / Test Results**

**Visual Inspection:**

- 1). The N79ww-1Pneumatic Nailer s/n # 0356 047 allegedly involved in an accident with injury to Jonathan Beijar, was received in the Test Lab for testing 12 May 2004.
- 2 ). The tool appears to be mechanically complete.
- 3 ). The tool was received with an air fitting. The 3/8" light fitting will be used for testing.
- 4 ). The tool appears to have had a good amount of use.
- 5). A large amount of paint has been worn off the tool in various places, but doesn't appear to effect functionality.
- 6 ).The original warning stickers on the left side of the magazine are peeled and scraped from the tool, from what appears to be normal usage, and are 0% intact or legible.
- 7). The warning sticker on top of the magazine is about 90 % intact, and legible.
- 8). There is what appears to be an oily sawdust over some of the nose area, and right side of the magazine. This does not appear to affect functionality.
- 9). The tool is equipped with a contact trip trigger.
- 10). The rubber handle is intact, but has rips and holes in it in various places. The handle does not rotate on the tool.
- 11). The tool has a sticker on it that reads: Exhibit, Beijar 2, 4-27-04ev
- 12). The piston ring/cylinder is worn to the point where the driver will settle to the bottom of the cylinder under its own weight when the tool is upright.

**Functional Inspection: (plug in actuation )**

- 1) Applied 60 to 120 psig to the tool via air hose and coupling connectors. No unintentional actuation were produced.
- 2) There were no malfunctions produced exercising the contact trip mechanism through its entire stroke. The contact arm moves freely without binding or interruption.
- 3) Photographs were taken of the tool in its received condition and are attached.



bejar6.JPG bejar1.JPG bejar2.JPG bejar3.JPG bejar4.JPG bejar5.JPG

**S.O.P #1018 Air Impulse - Accidental Firing Test Results:**

There were no unintentional actuations produced throughout the entire test from 60 to 120 psig.

**S.O.P #1044 Pneumatic Tool Contact Trip Evaluation:**

- 1) Tool Weight (fully loaded with the largest specified fasteners) = 9.037lbs.
- 2) Largest specified fasteners: S16D131
- 3) Contact trip force required for actuation with 100 psig applied to the tool = 14.843lbf. ( average of 3 tests )
- 4) Contact trip travel until actuation occurs = .473" ( average of 3 tests )
- 5) With the tool upright by its own weight (fully loaded), exercising the trigger mechanism did not cause the tool to actuate with 60 to 100 psig applied.
- 6) Contact trip force and trip travel measurement data is attached.



jb1.tif jb2.tif

**FINAL:**

In conclusion, the described pneumatic tool was found to exhibit some **physical** external wear. The tool has scrapes, scratches, loss of paint in some areas, and is slightly dirty around the nose area. There were no unintentional actuations or incidents produced.

The tool functioned as was intended by design.

The following pictures are of the test fixturing used at Bostitch.

Tool Was tested by Bob Olmstead, in both contact and place mode and tool functioned as designed.



impulse1.JPG instron1.JPG instron2.JPG/

This concludes this test report summary.

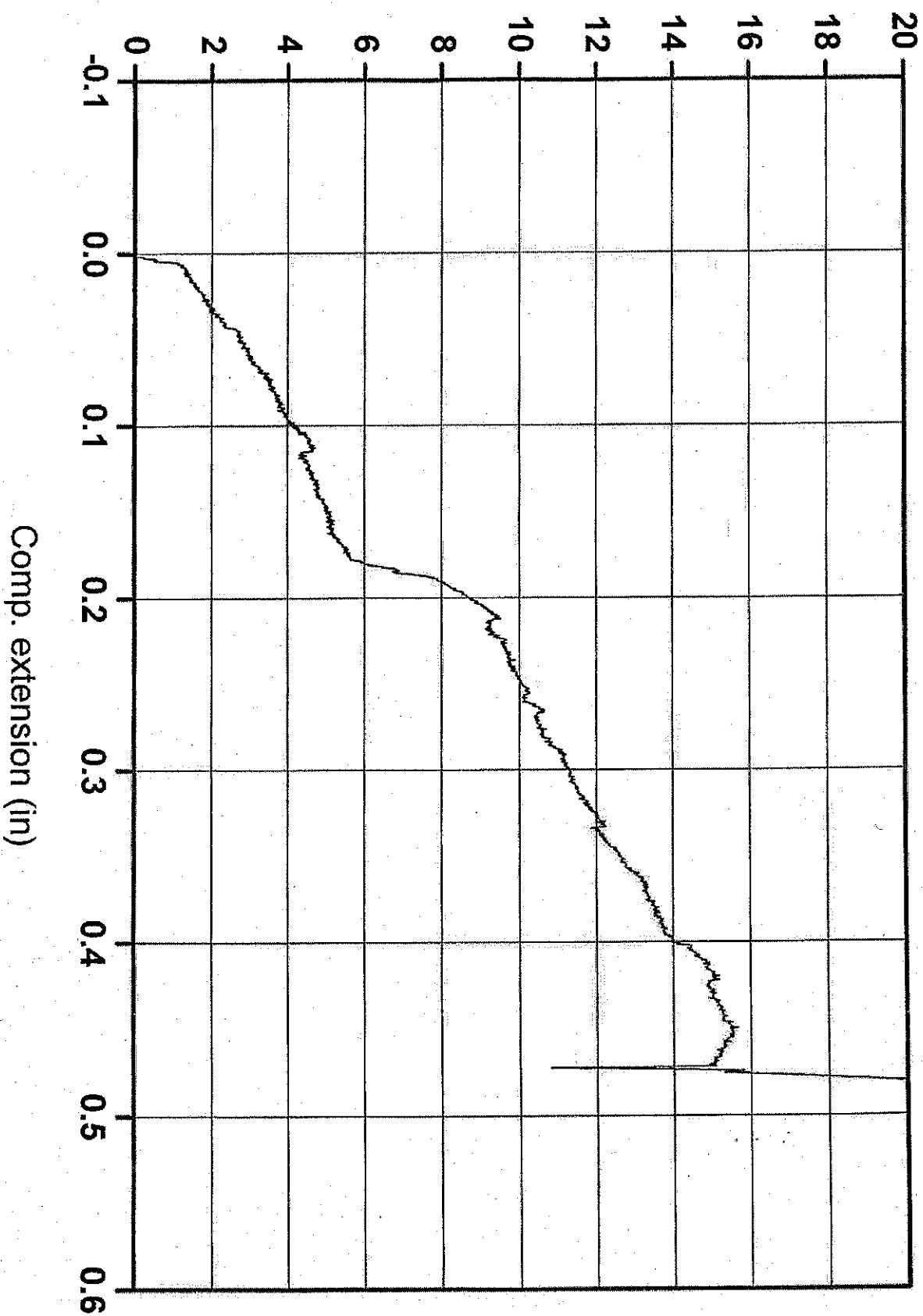
Test Complete and Accurate:

(Engineer)

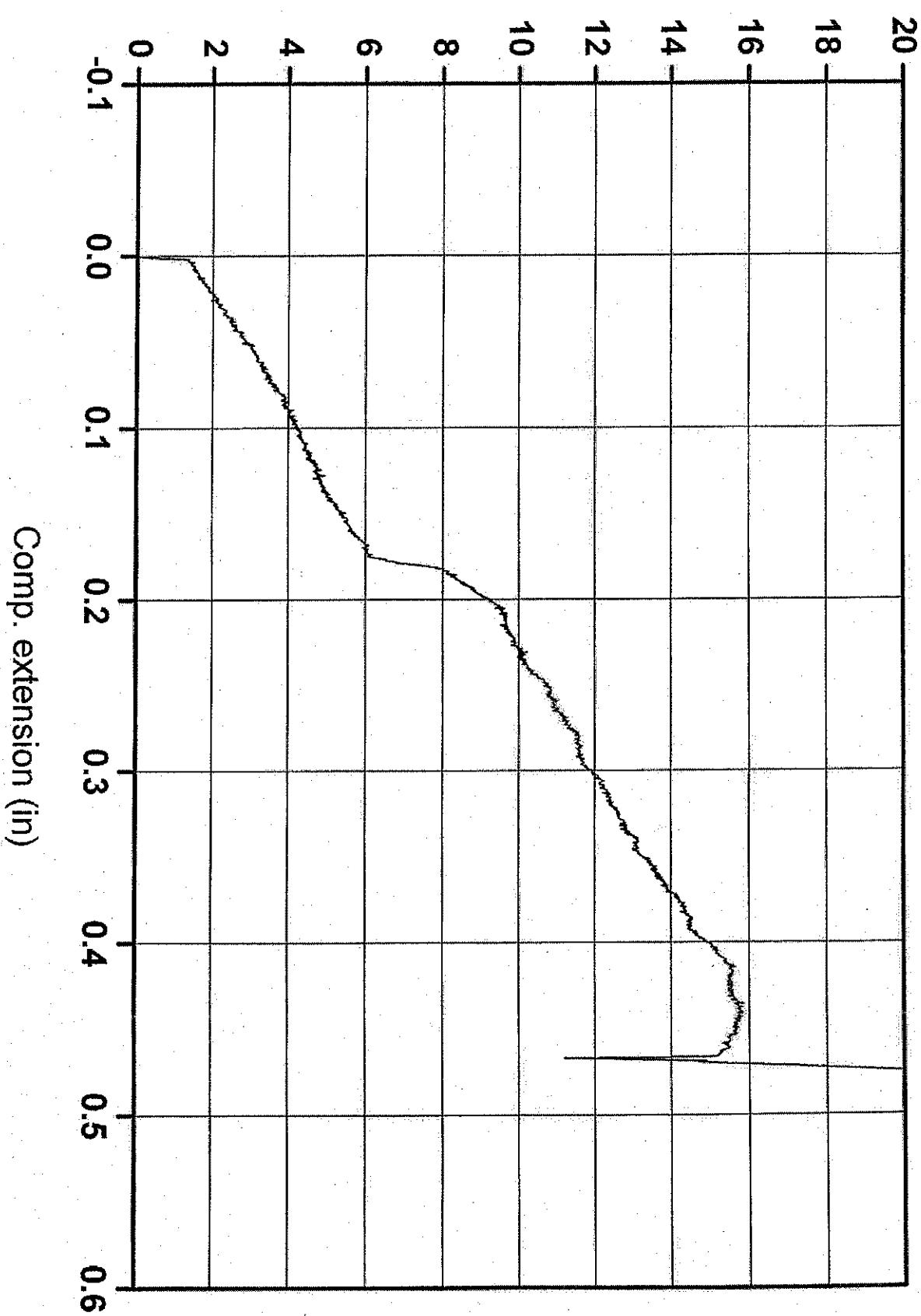
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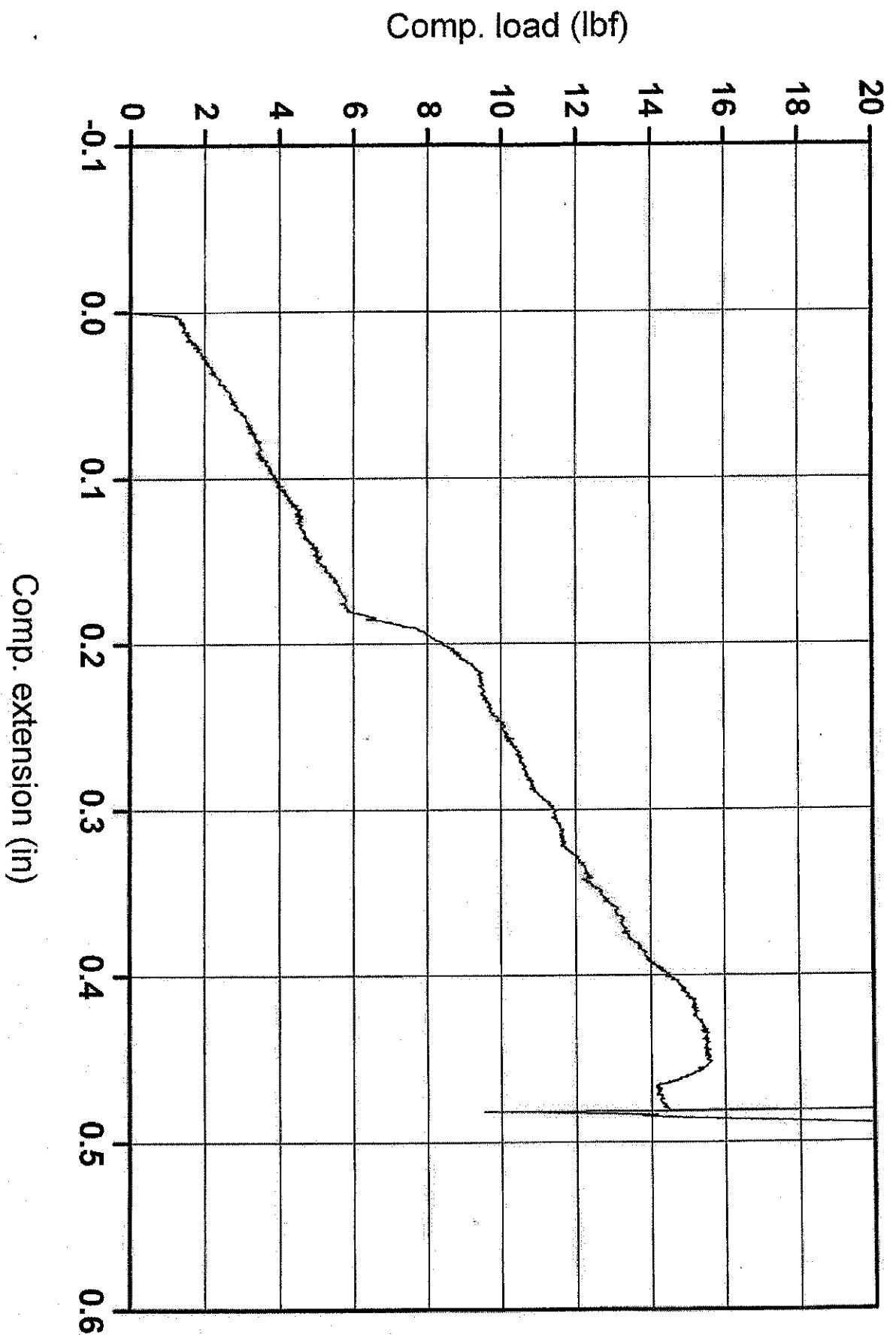
Comp. load (lbf)

(A)



Comp. load (lbf)





Run #1

	Max Load (lbf)	Ext. @ Max Load (in)	Max Ext (in)
	-14.50	0.481	0
Mean	-14.50	0.481	0
S.D.	0.00	0.000	0
Minimum	-14.50	0.481	0
Maximum	-14.50	0.481	0
Range	0.00	0.000	0

Run #2

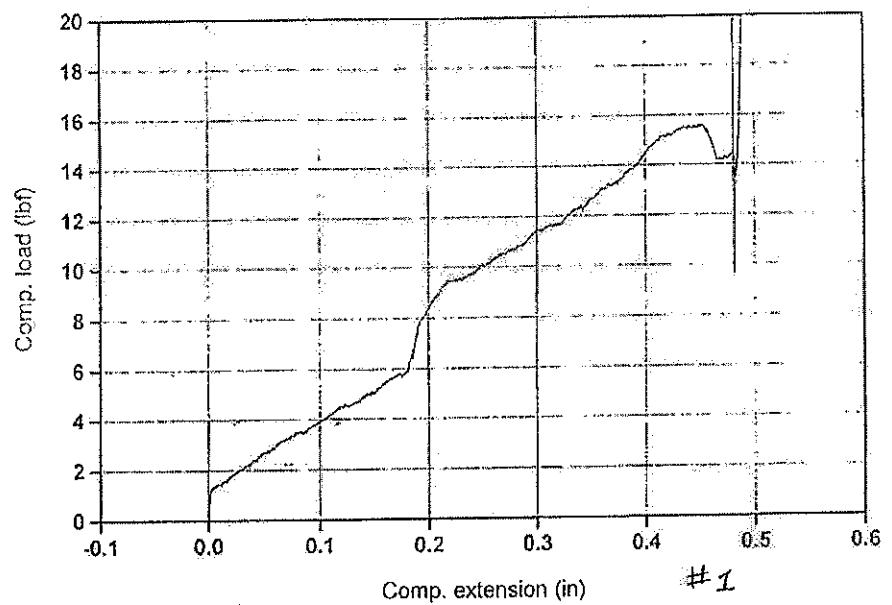
	Max Load (lbf)	Ext. @ Max Load (in)	Max Ext (in)
	-14.96	0.467	0
Mean	-14.96	0.467	0
S.D.	0.00	0.000	0
Minimum	-14.96	0.467	0
Maximum	-14.96	0.467	0
Range	0.00	0.000	0

Run #3

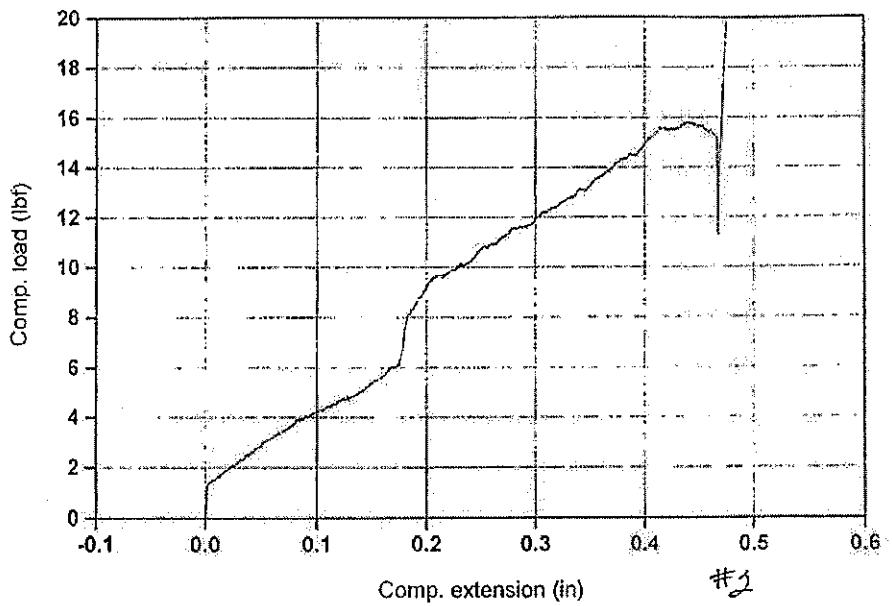
	Max Load (lbf)	Ext. @ Max Load (in)	Max Ext (in)
	-15.08	0.472	0
Mean	-15.08	0.472	0
S.D.	0.00	0.000	0
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Maximum	-15.08	0.472	0
Range	0.00	0.000	0

TL# 08815-00 Jonathan Beijer

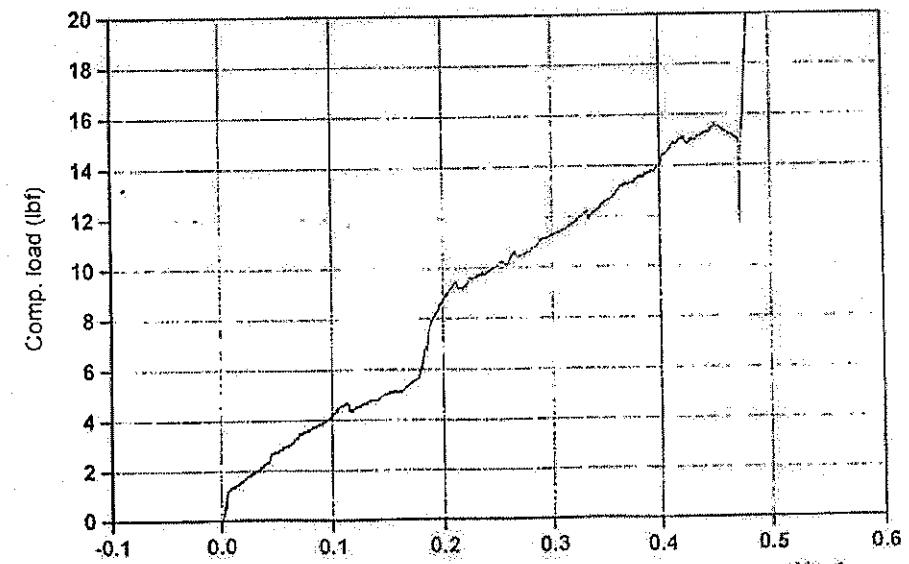
Jonathan Beijer



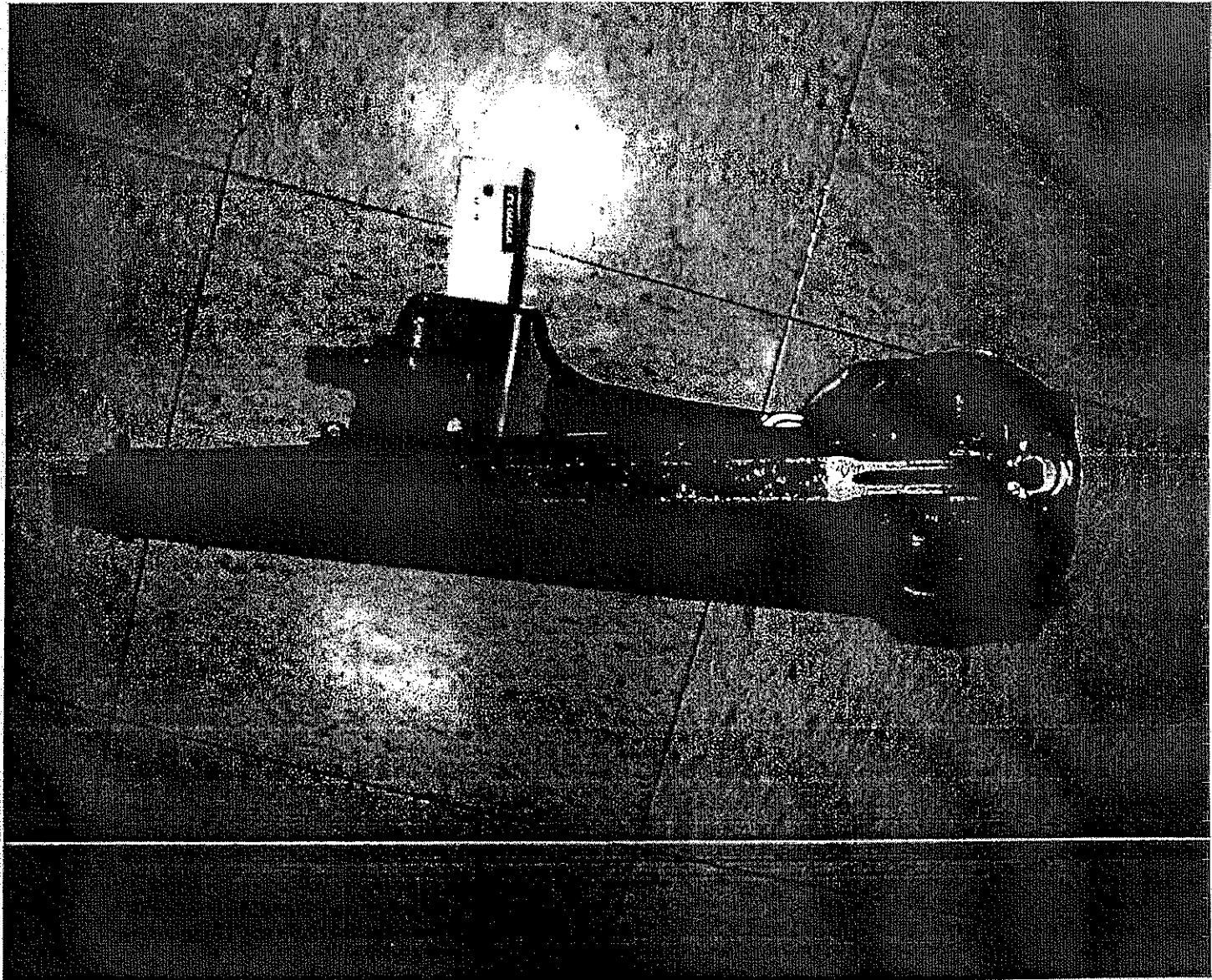
#1



#2



016 STAN 0000116



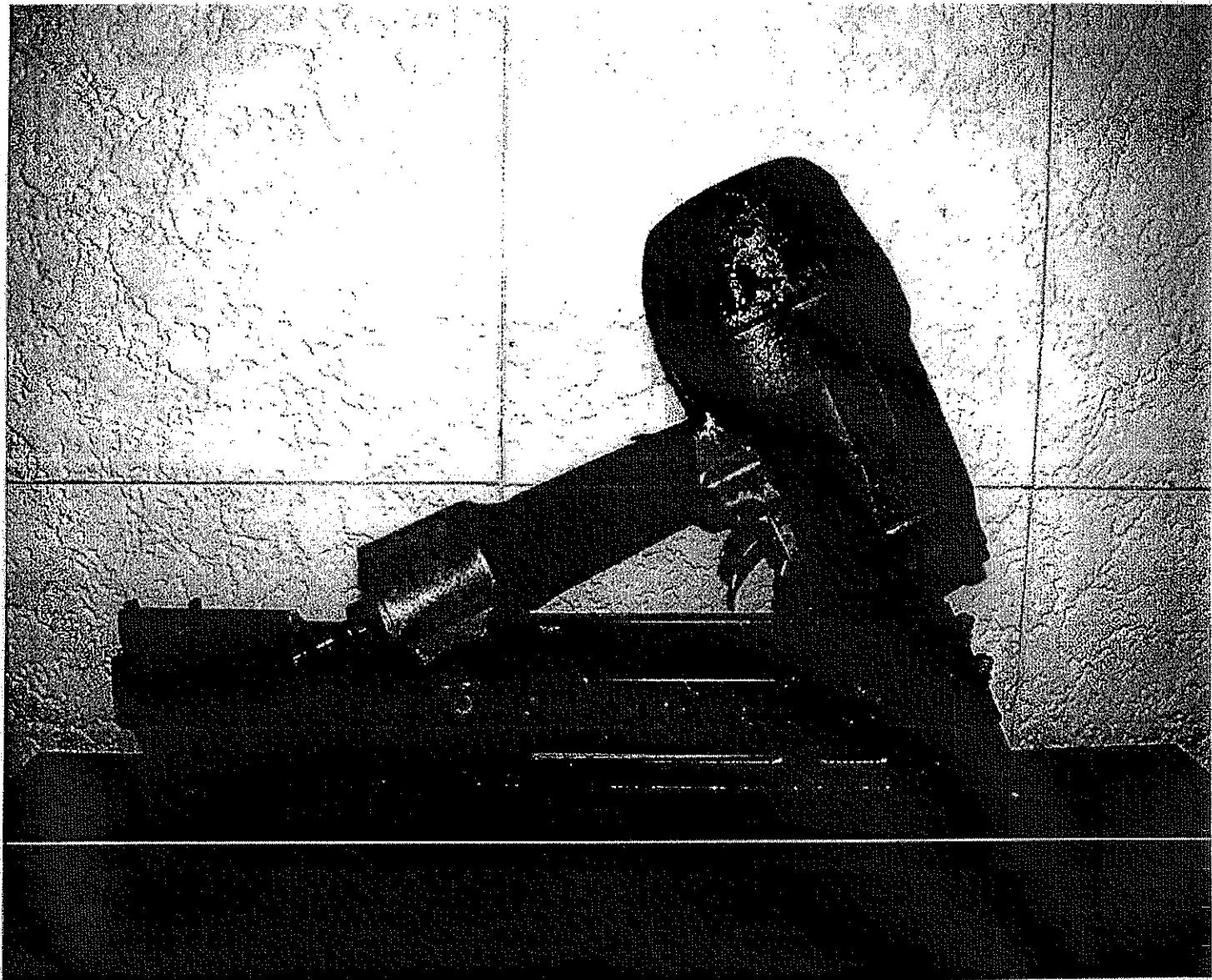
016 STAN 0000117



016 STAN 0000118



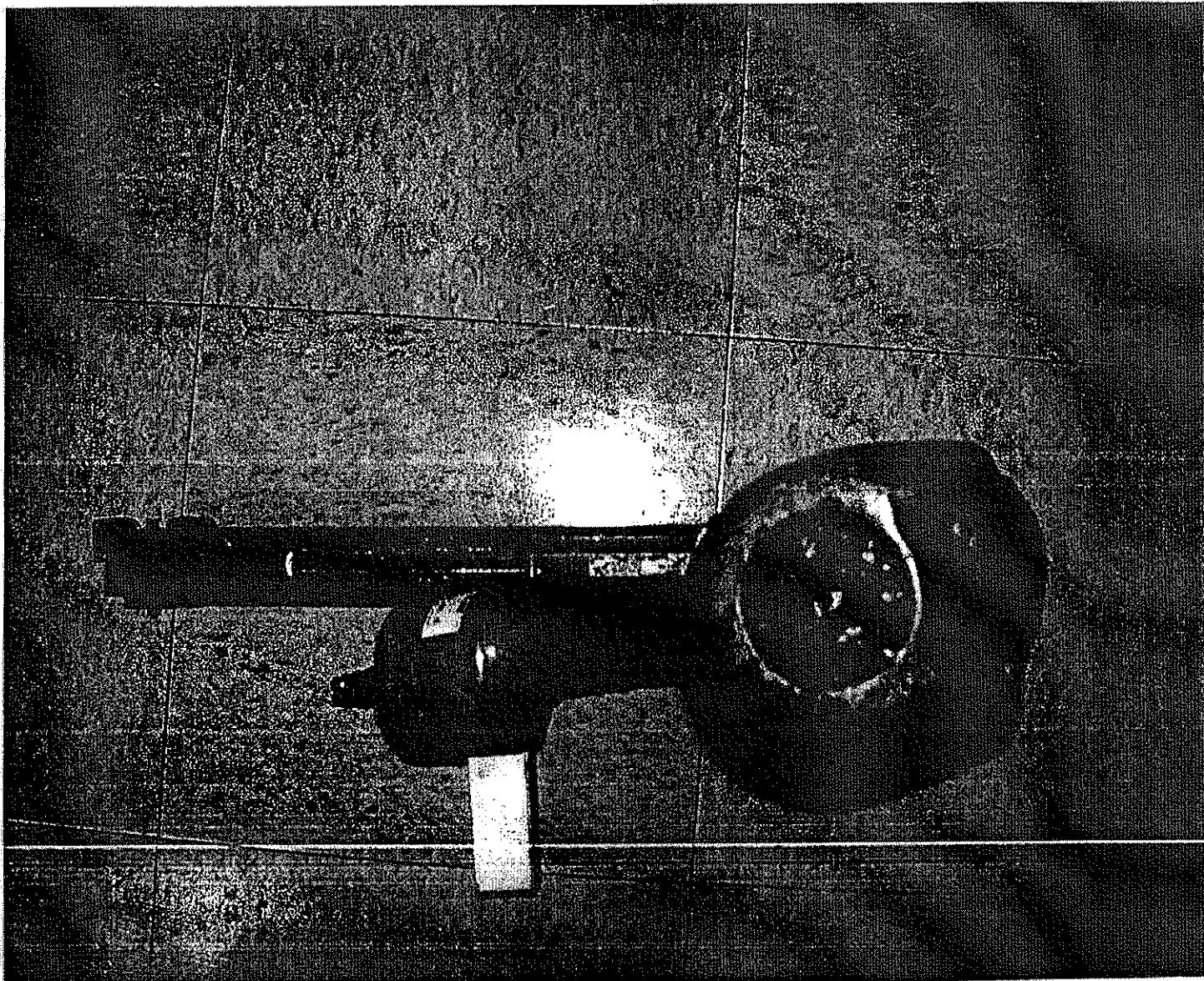
016 STAN 0000119



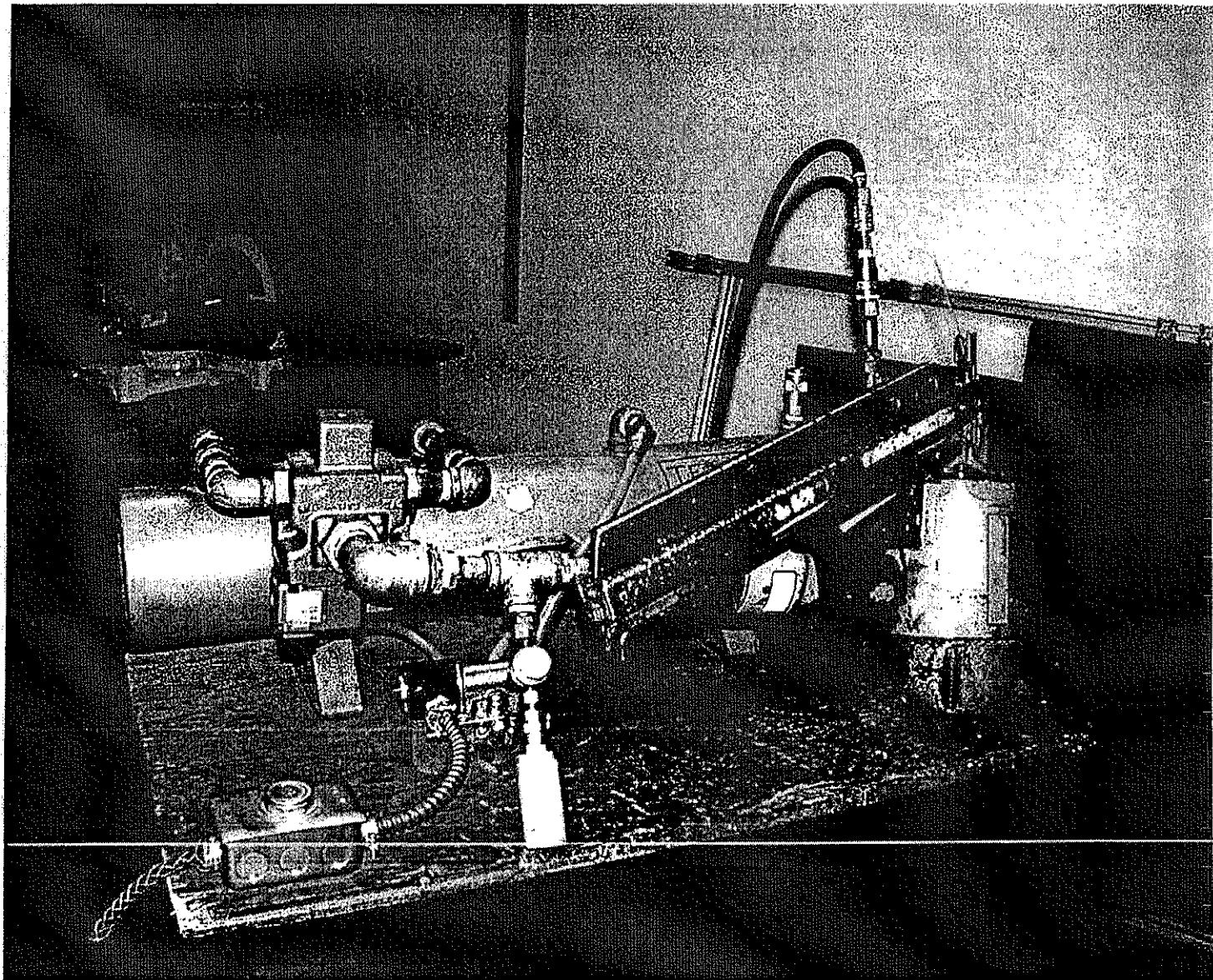
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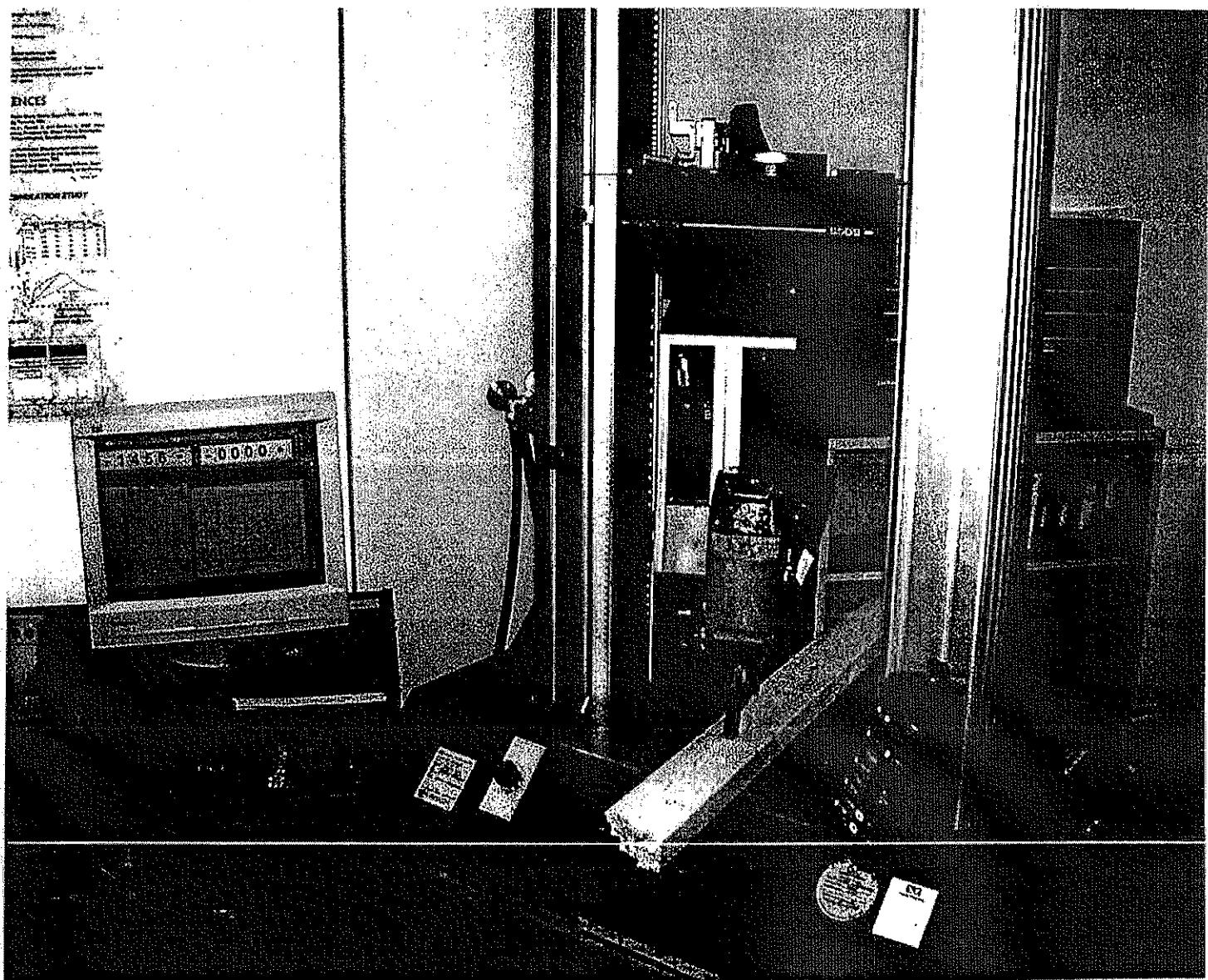
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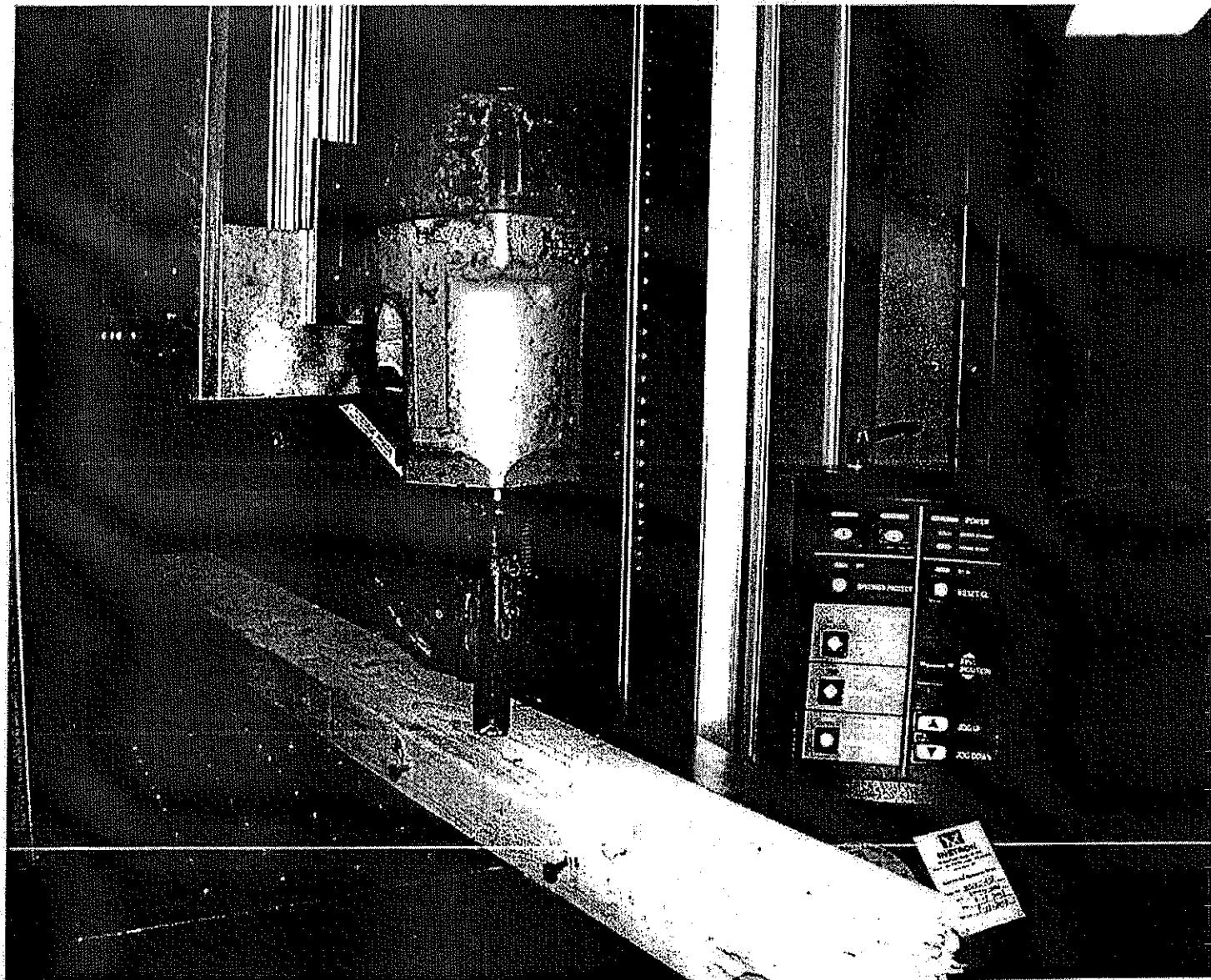
016 STAN 0000122



016 STAN 0000123

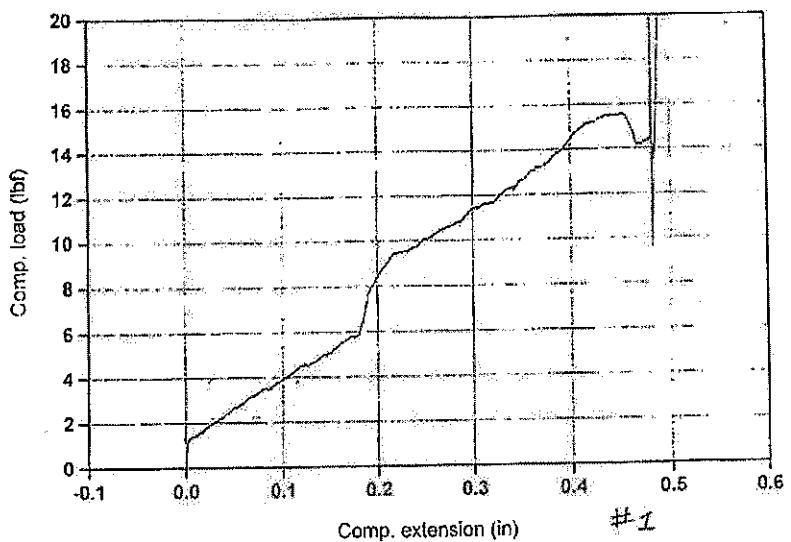


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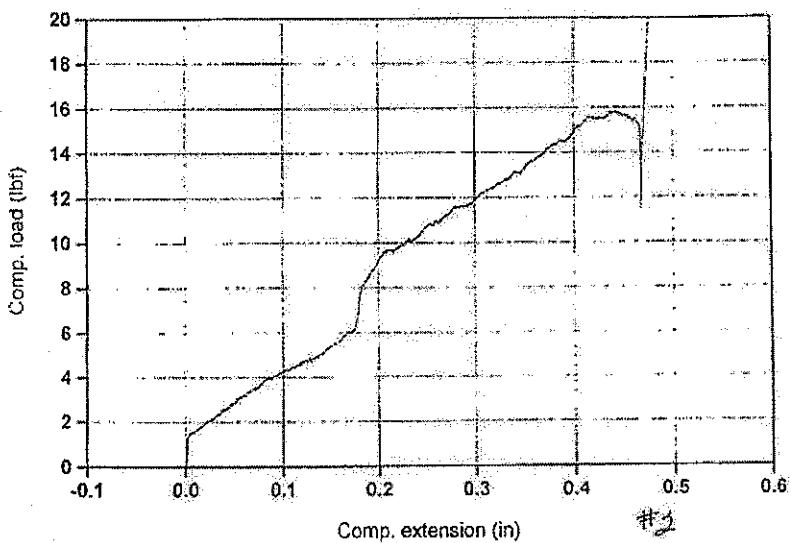


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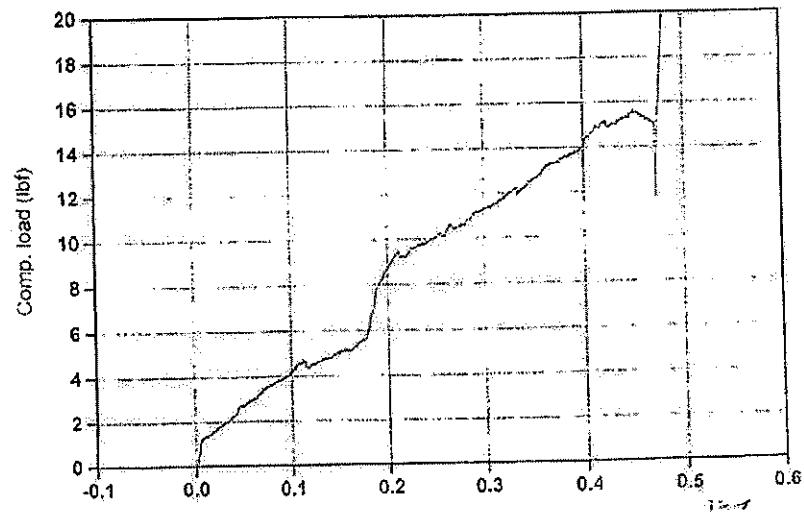
Jonathan Bejar



#1



#2



# **EXHIBIT 19**

# Man shot in heart With nail gun leaves Hospital after surgery

By CYNTHIA MCCORMICK  
and ROBIE BARTON  
STAFF WRITERS

A Boston hospital has released a 23-year-old man who was accidentally shot in the heart with a nail gun last week in Osterville.

Surgeons at Boston Medical Center removed the 3½-inch nail from the man's right ventricle during an emergency operation Thursday, said Dr. Craig Cornwall.

Jonathan Beijar, a New Bedford resident, said the accident happened when he was trying to avoid the nail gun, which was falling from a rafter. "I went to grab the air hose that connects to it to let it swing away from me," he said. "The nail gun fell and it hit me right dead in the chest. It discharged and shot a nail right

into my sternum and right into my heart."

Beijar is considering legal action against the nail gun manufacturer because the gun is supposed to discharge only when pressure is applied to the trigger and the nose of the gun. But the gun discharged upon hitting his chest, with no pressure applied to the trigger, he said.

When it first hit him, he didn't feel the nail in his chest and did not realize what had happened, he said.

"It kind of felt like someone just punched me in the chest," he said.

"The three guys I was working with stood there looking at me and said 'Dude, are you all right? Did that thing just fire off?' I was like 'Yeah, I

*"Lucky guy."*

**DR. CRAIG CORNWALL.** Cape doctor who treated man with nail in heart

When it first hit him, he didn't feel the nail in his chest and did not realize what had happened, he said.

When it first hit him, he didn't feel the nail in his chest and did not realize what had happened, he said.

Doctors removed the nail, sewed the holes and closed him back up, Cornwall said. Beijar was released from Boston Medical Center on Monday, four days after the incident.

Cornwall said he's witnessed a lot of nail gun injuries — including one to a finger just this week — but this is the first time he saw a nail that had gone into the heart.

The nail entered the patient's

*continued from A-1*  
heart.

Beijar is an emergency room doctor at Cape Cod Hospital. He accompanied Beijar on the helicopter ride in case the nail moved

and caused blood to flow into the sac surrounding the heart. That would have prevented the heart from pumping, and Cornwall said he would have had to open his chest.

Beijar had been working with a nail gun at a new house at Seapuff River Road and Pirate's Cove in Oyster Harbors when the accident occurred, said Osterville Fire-Chief John Farrington.

Beijar's co-workers drove him to the fire station, which transported him by ambulance to Cape Cod Hospital.

"He was conscious and alert" and able to talk, Farrington said.

Beijar's mother, Nancy, traveled from her Rochester home to be with her son at the hospital, she said. Yesterday, she said she was relieved to know her son is doing well.

"I think I'm finally relaxing a little

## Nail gun: Surgeons remove nail from heart

"It's pretty amazing he didn't get sicker than he did," Cornwall said. "He's a pretty lucky guy."

He accompanied Beijar on the helicopter ride in case the nail moved and caused blood to flow into the sac surrounding the heart. That

would have prevented the heart from pumping, and Cornwall said he would have had to open his chest.

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"I think I'm finally relaxing a little

Please see NAIL GUN A-3